

रजिस्ट्रेशन नं० एल०-३३/एस० एम०-१३-१४/९७.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, ६ अक्टूबर, १९९७/१४ अश्विन, १९१९

हिमाचल प्रदेश सरकार

LAW DEPARTMENT
(Legislation)

NOTIFICATION

Shimla-2, the 26th September, 1997

No. LLR-E (9)-3/97-Leg.—The Out-Of-Turn Allotment of Government Residences (Validation) Ordinance, 1997 (Ordinance No. 14 of 1997), promulgated by the President of India and published on 21st June, 1997, in the Gazette of India, Extraordinary, Part-II, Section-I, is hereby re-published in the Himachal Pradesh Rajpatra for the information of the general public.

By order,

Sd/-
Secretary.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 21st June, 1997/Jyaistha 31, 1919 (Saka)

THE OUT-OF-TURN ALLOTMENT OF GOVERNMENT RESIDENCES
(VALIDATION) ORDINANCE, 1997

No. 14 OF 1997

Promulgated by the President in the Forty-eighth Year
of the Republic of India.

An ordinance to validate certain out-of-turn allotments made by the Central Government.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :

1. *Short title and commencement.*—(1) The Ordinance may be called the Out-of-turn Allotment of Government Residences (Validation) Ordinance, 1997.

(2) It shall come into force at once.

2. *Definition.*—In this Ordinance, “out-of-turn allotment”, in relation to a Government residence, means the allotment made by the Central Government during the period on and from the 1st day of January, 1991 to the 31st day of December, 1995 to a person eligible for allotment of such residence before his regular turn for allotment of such residence becomes due to that person.

3. *Validation of out-of-turn allotments and protection against eviction.*—(1) Notwithstanding anything contained in any judgement, decree or order of any court, tribunal or other authority to the contrary, every out-of-turn allotment shall be deemed to have been made by the Central Government in exercise of the powers to relax for making an allotment under Supplementary Rule 317-B-25 of the Allotment of Government Residences (General Pool in Delhi) Rules, 1963.

(2) Every out-of-turn allotment referred to in sub-section (1) shall, for all purposes, be deemed to be, and always to have been, validly made under the said Allotment of Government Residences (General Pool in Delhi) Rules, 1963 and no allottee of such allotment shall, save as otherwise provided in sub-section (5), be evicted from a Government residence solely on the ground that such residence was allotted to him on out-of-turn basis.

(3) No allottee referred to in sub-section (1) shall be allowed to continue to occupy a Government residence unless—

(a) he has paid, or, agrees to pay in equal monthly instalments (without interest) within a period of two years from the date of commencement of this Ordinance, the arrears of enhanced licence fee payable by him in terms of the orders of the Supreme

Court in the matter of Writ Petition No. 585 of 1994, and also agrees to continue to pay the appropriate enhanced licence fee as is applicable in his case till the day he becomes eligible for in-turn allotment of a Government residence; and

- (b) he, being an allottee who is to superannuate within two years from the commencement of this Ordinance, has given his consent in writing that his employer may deduct the enhanced licence fee as is applicable in his case and referred to in clause (a) from his gratuity or any other retirement benefit or any other arrears payable to him.
- (4) No person who has been allotted a Government residence on out-of-turn basis shall be allowed to avail of protection against eviction under sub-section (2) unless such person has given in writing, within thirty days from the date of commencement of this Ordinance, that he shall make the payment of the enhanced licence fee including the arrears as is payable by him in accordance with the provisions of sub-section (3).
- (5) No protection against eviction under sub-section (2) shall apply to an out-of-turn allotment—
- (a) where it is proved that the allottee has sub-let the Government residence allotted to him; or
- (b) where such allotment has been obtained by making misrepresentation of facts, by fraudulent means or on payment of illegal gratification to any person for obtaining such Government residence; or
- (c) where such allotment is of a higher type of Government residence than his entitlement.
- 7-4. *Suits, etc., to abate.*—Any suit or legal proceeding relating to an out-of-turn allotment which was instituted before the commencement of this Ordinance shall, on shall commencement, abate.

SHANKAR DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

